

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

PROMESA Title III

Case No. 17-BK-3283-LTS
(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

Case No. 17-BK-4780-LTS

**This Court Filing Relates Only
to Case No. 17-BK-4780-LTS**

Re: ECF Nos. 975, 1233

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

NATIONAL PUBLIC FINANCE GUARANTEE
CORPORATION, ASSURED GUARANTY CORP.,
ASSURED GUARANTY MUNICIPAL CORP.,
AND SYNCORA GUARANTEE INC.,

Movants,

v.

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Respondent.

**URGENT JOINT MOTION OF ALL PARTIES
TO STAY DEADLINES RE: MOTION TO DISMISS**

To the Honorable United States District Judge Laura T. Swain:

The Puerto Rico Electric Power Authority (“PREPA” or the “Debtor”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), National Public Finance Guarantee Corporation (“National”), Assured Guaranty Corp. and Assured Guaranty Municipal Corp. (“Assured”), and Syncora Guarantee Inc. (“Syncora”) (collectively, the “Parties”) respectfully submit this urgent joint motion (the “Urgent Motion”) for an order staying the remaining deadlines set forth in the August 26, 2019 Order (ECF No. 1616) regarding the pending motion pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 1233) (the “Dismissal Motion”) to dismiss the motion by National, Assured, and Syncora for relief from the automatic stay to seek appointment of a receiver (ECF No. 975) (the “Receiver Motion”). A proposed order is attached hereto as **Exhibit A** (“Proposed Order”).

The Parties are pleased to report that they have reached agreement on an amendment to the PREPA Definitive Restructuring Support Agreement (“RSA”), pursuant to which National and Syncora have joined the RSA. That RSA is presently the subject of a pending motion pursuant to Bankruptcy Rule 9019 for an order approving certain settlement terms embodied in the agreement (ECF No. 1232) (the “9019 Motion”), which has been set for hearing on October 30, 2019. *See* ECF No. 1579. If the 9019 Motion is granted, then the RSA will require National, Assured, and Syncora to voluntarily withdraw their Receiver Motion—thereby mooted the Dismissal Motion.

² PROMESA has been codified in 48 U.S.C. §§ 2101–2241.

Accordingly, the Parties respectfully request that all remaining deadlines for the Dismissal Motion—specifically, the dates for opposition and reply briefs as well as the hearing—be stayed pending the Court’s determination of the 9019 Motion. In addition, the Parties respectfully ask the Court to require that, within fourteen (14) days after the 9019 Motion has been decided, the Parties shall file joint submissions that either: (i) consensually resolve the Dismissal Motion and the Receiver Motion, or (ii) propose new briefing and hearing schedules for the same.

For the foregoing reasons, the Parties respectfully move the Court to enter the Proposed Order attached as Exhibit A.

* * *

**Certification of Compliance with
Local Rule 9013-1 and the Eighth Amended Case Management Procedures**

Pursuant to Local Rule 9013-1 and ¶ I.H of the Eighth Amended Case Management Order, the undersigned counsel hereby certify they have (a) carefully examined the matter and concluded there is a true need for an urgent extension; (b) not created the urgency through any lack of due diligence; and (c) made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court.

Dated: September 12, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Eric Perez-Ochoa
Eric Perez-Ochoa

EXHIBIT A

Proposed Order

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.³

PROMESA Title III

Case No. 17-BK-3283-LTS
(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

Case No. 17-BK-4780-LTS

[PROPOSED] ORDER STAYING DEADLINES APPLICABLE TO FINANCIAL
OVERSIGHT AND MANAGEMENT BOARD AND AAFAF'S MOTION PURSUANT TO
FED. R. CIV. P. 12(B)(6) TO DISMISS INSURERS' MOTION FOR RELIEF FROM THE
AUTOMATIC STAY TO SEEK APPOINTMENT OF A RECEIVER (ECF NO. 1233)

³ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Upon consideration of the urgent joint motion (the “Urgent Motion”) of the Financial Oversight and Management Board for Puerto Rico (“Oversight Board”), the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), National Public Finance Guarantee Corporation (“National”), Assured Guaranty Corp. and Assured Guaranty Municipal Corp. (“Assured”), and Syncora Guarantee Inc. (“Syncora”) (collectively, the “Parties”), and the Court having found good cause to grant the relief requested therein, it is

HEREBY ORDERED THAT:

1. The Urgent Motion is GRANTED as set forth herein.
2. With respect to the Oversight Board and AAFAF’s motion pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 1233) (“Dismissal Motion”) to dismiss the motion by National, Assured, and Syncora for relief from the automatic stay to seek appointment of a receiver, the remaining deadlines set forth in the Court’s August 26, 2019 Order (ECF No. 1616) are hereby STAYED.
3. Within fourteen (14) days after the Court issues a decision on the pending motion pursuant to Bankruptcy Rule 9019 for an order approving certain settlement terms embodied in the PREPA Restructuring Support Agreement (ECF No. 1232) (the “9019 Motion”), the Parties shall file joint submissions that either (i) consensually resolve the Dismissal Motion and the Receiver Motion, or (ii) propose new briefing and hearing schedules for the same.

SO ORDERED.

Dated: _____, 2019

HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE